

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CR. NO. 2:05-cr-290-WKW
	)	(WO)
EDDIE ANDREW GORDON	)	

**ORDER**

On November 29, 2006, Defendant Eddie Andrew Gordon filed a Motion to Continue Trial. (Doc. # 84.) He later filed two amendments. (Docs. # 85 and 88.) While the granting of a continuance is left to the sound discretion of the trial judge, *United States v. Warren*, 772 F.2d 827, 837 (11th Cir. 1985), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Speedy Trial Act provides generally that the trial of a defendant in a criminal case shall commence within 70 days of the latter of the filing date of the indictment or the date the defendant appeared before a judicial officer in such matter. 18 U.S.C. § 3161(c)(1). *See United States v. Vasser*, 916 F.2d 624 (11th Cir. 1990).

The Act excludes from this 70 day period any continuance that the judge grants "on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).

In Gordon's motions to continue, his counsel asserts that additional time is necessary because counsel was recently assigned to the case, Gordon having withdrawn his plea of guilty on October 31, 2006, and elected to go to trial. The government does not oppose the motion to continue the trial. (Doc. # 85.) Consequently, the court concludes that a

continuance of this case is warranted and that the ends of justice served by continuing this case outweigh the best interest of the public and the defendant in a speedy trial. *See United States v. Davenport*, 935 F.2d 1223, 1235 (11th Cir. 1991) (reasonable time necessary for effective preparation is a significant factor for granting a continuance under the Speedy Trial Act).

Accordingly, it is hereby ORDERED that:

1. The motion to continue as amended (Docs. # 84, 85, and 88) is GRANTED.
2. The trial of this case is continued from the January 8, 2007, trial term to the April 23, 2007, trial term.
3. The Magistrate Judge shall conduct a pretrial conference prior to the April 23, 2007, trial term and enter a pretrial conference order.

DONE this 14th day of December, 2006.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE